

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

OSVELI BERDUO-DELEON, et al.,)	
)	
Plaintiffs,)	
v.)	
)	
FRESH CUT LAWN AND LANDSCAPE)	C.A. No. 04-1364-SLR
SERVICE, INC., et al.,)	[Class Action]
)	
Defendants.)	

ORDER

This 11th day of March, 2005, the parties having satisfied their obligations under Fed. R. Civ. P. 26(f), and the court having conducted a pretrial scheduling conference pursuant to Fed. R. Civ. P. 16 and D. Del. LR 16.2(a) and (b).

IT IS ORDERED that:

1. **Pre-Discovery Disclosures.** The parties have exchanged the information required by Fed. R. Civ. P. 26(a)(1) and D. Del. LR 16.2.
2. **Discovery.**
 - (a) Discovery will be needed on the following subjects:
By Plaintiff:
 - (i) defendants' overtime pay practices
 - (ii) quantification regarding underpayments
By Defendants:
 - (i) the basis for each plaintiff's claim for overtime pay
 - (b) All discovery shall be commenced in time to be completed
by September 1, 2005.

(c) Maximum of **20** interrogatories by each party to any other party.

(d) Maximum of **20** requests for admission by each party to any other party.

(e) Maximum of **6** depositions by plaintiff and by defendants, except that defendants shall have the right to depose each plaintiff, including those who elect to opt-in to this matter.

(f) Each deposition shall be limited to a maximum of **4** hours unless extended by agreement of parties.

(g) Reports from retained experts under Rule 26(a)(2) on issues for which any party has the burden of proof due by **July 1, 2005**. Rebuttal expert reports due by August 1, 2005.

(h) Supplementations under Rule 26(e) due every **2 months**.

(i) **Discovery Disputes.** Any discovery dispute shall be submitted to the court pursuant to Fed. R. Civ. P. 37. During the course of discovery, each party is limited to **two (2)** Rule 37 motions. The court shall make itself available, however, to resolve through a telephone conference, disputes that arise during the course of a deposition and disputes related to entry of a protective order.

3. Joinder of other Parties, Amendment of Pleadings, and Class Certification. All motions to join other parties, amend the pleadings, and certify a class action shall be filed on or before **April 1, 2005**.

4. Settlement Conference. Pursuant to 28 U.S.C. § 636, this matter is referred to Magistrate Judge Thyng for the purposes of exploring the possibility of a settlement.

5. **Applications by Motion.** Any application to the court shall be by written motion filed with the clerk. Unless otherwise requested by the court, counsel shall not deliver copies of papers or correspondence to chambers. **Any non-dispositive motion shall contain the statement required by D.Del. LR 7.1.1.**

6. **Motions in Limine.** All motions in limine shall be filed on or before two weeks before pretrial conference. All responses to said motions shall be filed on or before one week before pretrial conference.

7. **Pretrial Conference.** A pretrial conference will be held on **September 1, 2005** at 4:30 p.m. in Courtroom No. 6B, Sixth Floor Federal Building, 844 King Street, Wilmington, Delaware. The Federal Rules of Civil Procedure and D. Del. LR 16.4 shall govern the pretrial conference.

8. **Trial.** This matter is scheduled for a **one week** bench trial commencing on **September 12, 2005** in Courtroom No. 6B, Sixth Floor Federal Building, 844 King Street, Wilmington, Delaware. For purposes of completing pretrial preparations, the parties should plan on being allocated a total number of hours in which to present their respective cases.


United States District Judge